



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



1700 G Street NW, Washington, D.C. 20552

April 18, 2023

Hon. Jennifer H. Rearden, United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *CFPB v. Credit Acceptance Corp.*, No. 1:23-cv-00038

Dear Judge Rearden:

Plaintiffs Consumer Financial Protection Bureau and the New York Attorney General's Office write to notify the Court of recent authority relevant to Defendant Credit Acceptance Corp.'s motion to stay proceedings. *See* ECF Nos. 18, 20, 25.¹

On April 13, the U.S. District Court for the Northern District of Illinois denied a substantively identical request for a stay in *CFPB v. TransUnion*, No. 1:22-cv-01880 (N.D. Ill. Apr. 13, 2023) (slip op. attached). The court found that "a stay would unduly prejudice [the Bureau's] ability to safeguard the public interest" and that such harm was particularly acute because—just as in this case—the defendants' violations were ongoing. Slip op. at 4-5. The court concluded that the potential harm to the public and the Bureau "outweigh[s] the resource-preserving benefits a stay would confer." *Id.* at 5.

¹ Defendant recently clarified that it no longer "seek[s] to delay the completion of briefing or resolution of the motion to dismiss" but that a stay "may remain appropriate" following resolution of the motion to dismiss. ECF No. 46 at 2. Given this concession, the Court could if it so chooses simply deny the motion to stay without prejudice.

Here, any potential “resource-preserving benefits” of a stay would be even less than they were in *TransUnion* because, as Plaintiffs have explained, *see* ECF No. 20 at 3-4, the dispute about the Bureau’s funding in *CFPB v. CFSA*, No. 22-448 (U.S.) could provide no possible grounds for barring New York from continuing to press all of the counts alleged in this case.

Sincerely,

By: /s/ Christopher L. Filburn (with consent)

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